HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.5439 of 2001

Dated 19th August, 2005

Between:

Chappa Appara Rao, S/o.Yerri Naidu

Aged about 46 years, workshop Mazdoor,

R/o.Govada, Visakhapatnam District.. .. Petitioner

And

TheChodavaram Co-operative Sugar Factory

Ltd., rep. by its Managing Director, Govada,

Visakhapatnam District. .. Respondent

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W.P.No.5439 of 2001

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in not altering the date of birth as 6.8.1955 instead of 28.3.1941 and retiring the petitioner from service of the society on

27.3.2001, on attaining the age of superannuation as illegal and arbitrary.

The learned counsel for the petitioner has contended that the petitioner's date of birth is 6.8.1955 but not 28.3.1941 which was wrongly entered in the factory records.

The learned counsel for the respondent has opposed the same on the ground that the date of birth of the petitioner is correctly mentioned in the records and based on that date, the petitioner was retired on attaining the age of 60 years.

Though in the impugned proceedings dated 5.2.2001 it is stated that the petitioners and some others were ordered to be retired from service on attaining the age of superannuation, the petitioner has not challenged the proceedings. Even though it is stated in the affidavit that the date of birth was mentioned as 28.3.1941 in the office records, but the contention of the petitioner is that his date of birth is 6.8.1955 which cannot be altered and the remedy of the petitioner is otherwise.

Therefore, the writ petition is devoid of merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

19.08.2005

bcj